

## United States Patent and Trademark Office

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APPLICATION NO.	1	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/597,297		06/20/2000	William J. Buisman	47004.000054	6182
21967	7590	03/10/2003			
HUNTON	& WILL	JAMS	EXAMINER		
1900 K STF	EET, N.V	ROPERTY DEPART W.	WEISBERGER, RICHARD C		
SUITE 1200 WASHINGTON, DC 20006-1109				ART UNIT	PAPER NUMBER
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DATE MAILED: 03/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12) The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 119(e) (to a provisional application).  a) The translation of the foreign language provisional application has been received.  15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Attachment(s)  1) Notice of References Cited (PTO-892)	,	Application No.	Applicant(s)					
Richard C Weisberger   3624  - The MALLING DATE of this communication app ars on the covir ship of with the correspondence address Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MALLING DATE OF THIS COMMUNICATION.  If the period for reply specified above is loss than thinty (30) days, a reply within the adaption printing and of this (20) days, will be considered timey.  If the period for reply specified above is loss than thinty (30) days, a reply within the adaption printing of this (20) days will be considered timey.  If the period for reply specified above is loss than thinty (30) days, a reply within the adaption printing of this (20) days will be considered timey.  If the period for reply specified above is loss than thinty (30) days, a reply within the adaption printing of this (20) days will be considered timey.  If the period for reply specified above is loss than thinty (30) days, a reply within the adaption printing of this (20) days will be considered timey.  If the period for reply specified above is loss than thinty (30) days, a reply within the adaption printing of this (20) days will be considered timey.  If the period for reply specified time in the reply of the adaption of the period of the communication.  If the period for reply specified time in the replication is one-final.  Status  Status  Status  Disposition of Claims  Application is phipa.  Application is phipa.  Application is phipa.  Application is phipa.  Application is days and phipa.  Application is phipa.  App		09/597,297						
- The MALLING DATE of this communication app ars on th cov rish et with th correspondence address - Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MALLING DATE OF THIS COMMUNICATION.  Elementor for time my be available under the provisions of 37 CR 1.136(a). In so event, however, may a reply be timely filed after 5X (b) MONTHS from the malling date of the scoremonication.  If the provision of the provision of the scoremonication of the provision of 37 CR 1.136(a). In so event, however, may a reply be timely filed after 5X (b) MONTHS from the malling date of the scoremonication.  If the provision of the provision of the scoremonication of the provision of the provision of the provision of the scoremonication.  Pallicular to reply white the end or estended period for reply will, by dataletic, cause the epideanion become ABMCONED (59 U.S. C.§ 1515).  Pallicular to reply white the end or estended period for reply will, by dataletic, cause the epideanion become ABMCONED (59 U.S. C.§ 1515).  Pallicular to reply white the end or estended period for reply will, by dataletic, cause the epideanion become ABMCONED (59 U.S. C.§ 1515).  Pallicular to reply white the end or estended period for reply will, by dataletic, cause the epideanion become ABMCONED (59 U.S. C.§ 1515).  Pallicular to reply white the end or estended period for reply will, by datalet, cause the epideanion become ABMCONED (59 U.S. C.§ 1515).  Pallicular to reply white the end or estended period for reply will, by datalet, cause the epideanion become ABMCONED (59 U.S. C.§ 1515).  Pallicular to reply white the end or estended period for reply will, by datalet, cause the epideanion become ABMCONED (59 U.S. C.§ 1153).  Pallicular to reply white the end or estended period or period period to reply will, by datalet, cause the epideanion become admitted to the communication of the end reply and the end of the end of the period to reply and the end of	Office Action Summary	Examiner	Art Unit					
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE £ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Estatements of time may be available under the provisions of 37 °FR 1.736(s), in no event, however, may a reply be timely filed  Estatement of time may be available under the provisions of 37 °FR 1.736(s), in no event, however, may a reply be timely filed  Estatement of time may be available under the provisions of 37 °FR 1.736(s), in no event, however, may a reply be timely filed  Estatement of the major of the provision of the communication, even at timely filed, may reduce any searched placeful term adjustment. See 37 °CFR 1.736(s).  Status  1) Responsive to communication(s) filed on								
THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be waited under the provision of 3 CFR 113(s). In no event, however, may a reply be timely filed after SX (5) MONTHS from the mailing date of this communication. In the control of the communication								
1)  Responsive to communication(s) filled on  2a)  This action is FINAL. 2b)  This action is non-final.  3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s)	<ul> <li>THE MAILING DATE OF THIS COMMUNICATION.</li> <li>Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.</li> <li>If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.</li> <li>If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.</li> <li>Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).</li> <li>Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any</li> </ul>							
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	2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) Notice of Informal I						

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## **DETAILED ACTION**

## Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-12 are, drawn to a system, classified in class 707, subclass 500
- II. Claims 13-17 and 19-27, drawn to a method, classified in class 705, subclass 42.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case the process can be practiced with a hand scanner or the like.
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

## **Election of Species**

4. Claim 1 is generic to a plurality of disclosed patentably distinct species comprising image generators. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species, even though this requirement is traversed.

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Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

5. Claims 1 is generic to a plurality of disclosed patentably distinct species comprising the basis for altering the workflow. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species, even though this requirement is traversed.

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

6. Claim 1 is generic to a plurality of disclosed patentably distinct species comprising subsequent processes. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species, even though this requirement is traversed.

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the

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case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

7. Claim 13 is generic to a plurality of disclosed patentably distinct species comprising (a) receiving forms. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species, even though this requirement is traversed.

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

8. Claim 13 generic to a plurality of disclosed patentably distinct species comprising step c. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species, even though this requirement is traversed.

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

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9. Claim 13 generic to a plurality of disclosed patentably distinct species comprising step d. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species, even though this requirement is traversed.

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

10. A telephone call was made to Herbert Kerner on January 24th to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

11. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

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Respectfully,

Richard Weisberger

**Examining Attorney** 

**Business Method Patents** 

Financial Services

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